

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

|                                  |   |                          |
|----------------------------------|---|--------------------------|
| KIMBERLY S. MEEK,                | ) |                          |
|                                  | ) |                          |
| Plaintiff,                       | ) |                          |
| v.                               | ) |                          |
|                                  | ) | No. 11-0976-CV-C-FJG-SSA |
| MICHAEL J. ASTRUE,               | ) |                          |
| Commissioner of Social Security, | ) |                          |
|                                  | ) |                          |
| Defendant.                       | ) |                          |

**ORDER**

On November 8, 2011, this Court ordered plaintiff to show cause why this case should not be dismissed for failure to comply with the orders of this Court. See Doc. No. 6. In particular, the Order to Show Cause indicated that over a month had passed since the Court's Order granting in forma pauperis status and directing plaintiff's counsel to electronically file the complaint within five days, yet counsel had failed to file the complaint and had failed to file a request for extension of time to do so.

On November 22, 2011, plaintiff filed a response to the Order to Show Cause. Plaintiff's response indicates that "Plaintiff delayed filing her complaint pending a review of event dates to determine whether Plaintiff's Complaint could be filed within the statutory time period," and "Having completed that review, Plaintiff is of the belief that her complaint cannot be filed withing [sic] the statutory time period." Doc. No. 7. Plaintiff moves for an order dismissing this case.

Accordingly, plaintiff's motion to dismiss (Doc. No. 7) will be **GRANTED**. This case is **DISMISSED WITHOUT PREJUDICE**, with such dismissal being effective fourteen (14)

days from the date of this order.<sup>1</sup> The Clerk of the Court is directed to send a copy of this Order via first class mail to plaintiff at the following address: Kimberly S. Meek, P.O. Box 1962, Sedalia, Missouri 65301.

**IT IS SO ORDERED.**

Date: November 30, 2011  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
Chief United States District Judge

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<sup>1</sup>The Court presumes that counsel has conferred with his client before requesting dismissal of this action. However, in an abundance of caution, the Court is forwarding a copy of this Order to plaintiff directly, and if there is any doubt regarding plaintiff's wishes, counsel should obtain written confirmation from plaintiff or ask to withdraw the instant motion before the effective date of this Order. See McDaniel v. Barnhart, Case No. 03-0556-CV-W-HFS, Doc. No. 25, dated October 26, 2004.